

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

November 18, 2008

3:30 P.M. SCHEDULED SESSION

4:00 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Myron Lowery

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Keith Norman from First Baptist Church. Councilman Strickland presented Pastor Norman with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT BEGINNING AT THE SOUTHERN TERMINUS OF COBB ROAD; +635.06 FEET SOUTH OF U.S. HIGHWAY 64 CONTAINING 132.15 ACRES IN THE GRAYS CREEK PLANNED DEVELOPMENT 3RD AMENDMENT. (HELD FROM 10/21).**

Case No. PD 08-314

DROPPED

1. **PRESENTATION OF THE 2008 HUMANITARIAN AWARD. (HELD FROM 11/4)**

MOTION: Strickland
SECOND: Ford

APPROVED, unanimous voice vote

2. **RESOLUTION RECOGNIZING CHARLIE YONKERS AS THE 2008 TLPA TAXICAB DRIVER OF THE YEAR.**

MOTION: Collins

SECOND: Strickland

APPROVED, unanimous voice vote

4. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING ON THE SOUTH SIDE OF WASHINGTON AVENUE; APPROXIMATELY \pm 100 FEET WEST OF WATKINS STREET, CONTAINING 1,781 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SAC 08-601

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Brown

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Lowery
Strickland did not cast a vote

APPROVED

5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING ON THE SOUTH SIDE OF WASHINGTON AVENUE; APPROXIMATELY 130 FEET EAST OF CLEVELAND STREET, CONTAINING 2,260 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT AND HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SAC 08-602

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE AT SEGMENT 1) BEGINNING 90 FEET EAST OF CLEVELAND STREET; 208.23 FEET NORTH OF COURT AVENUE, EXTENDING WESTERLY 476.50 FEET TO THE EAST SIDE OF WATKINS STREET; AND SEGMENT 2) BEGINNING 208 FEET NORTH OF COURT AVENUE ON THE EAST SIDE OF WATKINS STREET AND EXTENDING WESTERLY 646 FEET TO MCNEIL STREET, CONTAINING 7,062 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SAC 08-603

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

7. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING ON THE WEST SIDE OF MCNEIL STREET; 173 FEET SOUTH OF POPLAR AVENUE EXTENDING WESTERLY 465 FEET, CONTAINING 21,883 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SAC 08-604

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Brown

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

8. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN WATKINS STREET AND MCNEIL STREET, CONTAINING 32,321 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SAC 08-605

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Ware

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

9. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE AT SEGMENT 1) BEGINNING 187.5 FEET NORTH OF JEFFERSON AVENUE ON THE WEST SIDE OF MCNEIL STREET AND EXTENDING WEST TO WATKINS STREET; AND SEGMENT 2) BEGINNING AT A DISTANCE 100 FEET WEST OF THE WEST SIDE OF WATKINS STREET AND 14 FEET EAST OF THE EAST SIDE OF CLEVELAND STREET, 187.50 FEET NORTH OF JEFFERSON AVENUE, CONTAINING 6,233 SQUARE FEET IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SAC 08-606

Applicant: WSG Memphis, LLC
Brenda Solomito – Solomito Land Planning – Representative

Request: Close and vacate right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

10. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF UNION AVENUE AT MYRTLE STREET, CONTAINING 1.001 ACRE IN THE CENTRAL BUSINESS (CBD) DISTRICT/MEDICAL OVERLAY (MO) DISTRICT.**

Case No. SUP 08-225

Applicant: American Cancer Society
Michael Calhoun – Representative

Request: Boarding House (Hope Lodge)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Hedgepeth

SECOND: Brown

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

11. **ORDINANCE REZONING THE WEST SIDE OF HERBERT ROAD; \pm 40 FEET SOUTH OF FISCHER STEEL ROAD, CONTAINING 9.55 ACRES IN THE VACANT LAND AREA ~ HEAVY INDUSTRIAL (I-H) DISTRICT, UP FOR THIRD AND FINAL READING.**

Ordinance No. 5282

Case No. Z 08-110

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

MOTION: Hedgepeth

SECOND: Brown

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

CONSENT AGENDA – Items 12 - 19 & #53 & #54 may be acted upon by one motion: SEE PAGE 2713 FOR ROLL CALL

12. **ORDINANCE ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL RESIDENTIAL BUILDING CODE AND PROVIDING FOR ITS IMPLEMENTATION BY AMENDMENT TO THE MEMPHIS AND SHELBY COUNTY BUILDING CODE AND TO ESTABLISH AN EFFECTIVE DATE, UP FOR S E C O N D READING.**

Ordinance No. 5285

APPROVED, on Second reading

13. **ORDINANCE REZONING THE SOUTH SIDE OF HOLMES ROAD, 991 FEET EAST OF LAMAR AVENUE (U.S. HIGHWAY 78), CONTAINING 3.490 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5283

Case No. Z 08-109

APPROVED, on Second reading

14. **ORDINANCE TO AMEND ZONING REGULATIONS TO ADOPT DEFINITIONS FOR FINANCIAL SERVICES, PAYDAY LOAN ESTABLISHMENTS AND TITLE LOAN ESTABLISHMENTS AND TO CREATE NEW USE CATEGORIES FOR PAYDAY LOAN ESTABLISHMENTS AND TITLE LOAN ESTABLISHMENTS AND TO ESTABLISH LOCATION AND DISTANCE SEPARATION REQUIREMENTS FOR PAYDAY AND TITLE LOAN ESTABLISHMENTS, UP FOR S E C O N D READING.**

Ordinance No. 5284

Case No. ZTA 08-001cc

APPROVED, on Second reading

15. **RESOLUTION APPROVING FINAL PLAT OF LEGENDS PARK P.D., PHASE 1.**

Case No. PD 07-338

Contract No. CR-5123

Resolution approves the final plat located at the northwest corner of Poplar and Decatur. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

16. **RESOLUTION APPROVING FINAL PLAT OF PLAYHOUSE ON THE SQUARE.**

Case No. BOA 07-016

Contract No. CR-5124

Resolution approves the final plat located on the northeast corner of Union Avenue and Cooper Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

17. **RESOLUTION APPROVING FINAL PLAT OF NATIONAL RENAL ALLIANCE DIALYSIS CENTER MEMPHIS SOUTH, STREET AND DRAINAGE IMPROVEMENTS.**

Contract No. CR-5125

Resolution approves the final plat located east of Elvis Presley Boulevard, south of East Raines Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

18. **RESOLUTION APPROVING FINAL PLAT OF SHELBY DRIVE-GERMANTOWN ROAD P.D., 2ND AMENDMENT, PHASE 2.**

Case No. PD 05-353cc

Contract No. CR-5126

Resolution approves the final plat located on the north side of Shelby Drive, east of Glen Eagles. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

19. **RESOLUTION APPROVING FINAL PLAT OF WINCHESTER HACKS CROSS ROAD P.D., 5TH AMENDMENT, PHASE 38.**

Case No. PD 06-342cc

Contract No. CR-5127

Resolution approves the final plat located between State Route 385 and Centennial Drive. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ware
SECOND: Ford
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Morrison, Strickland, Ware and Chairman Lowery
Collins did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 20 – 26 may be acted upon by one motion:

20. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10948, REPAIR OF RESIDENTIAL GAS METERS, WITH TRI-STATE METER AND REGULATOR SERVICE IN THE FUNDED AMOUNT OF \$304,171.95. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM, DECEMBER 3, 2008 TO DECEMBER 2, 2009.)**

APPROVED

21. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11229, PROFESSIONAL ENGINEERING SERVICES, WITH ALLEN AND HOSHALL ENGINEERS, IN THE AMOUNT OF \$157,500.000. (THIS CHANGE INCREASES THE CONTRACT VALUE UNTIL THE END OF THE CURRENT TERM IN THE AMOUNT OF \$26,500.00 AND RENEWS THE CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS, JANUARY 1, 2009 TO DECEMBER 31, 2009, IN THE AMOUNT OF \$131,000.00.)**

APPROVED

22. **RESOLUTION AWARDDING CONTRACT FOR QUEST SOFTWARE TO INSIGHT PUBLIC SECTOR IN THE AMOUNT OF \$92,666.67.**

APPROVED

23. **RESOLUTION AWARDING CONTRACT FOR VIRTUAL TAPE LIBRARY SYSTEM TO PERSPECTIVE, INC. IN THE AMOUNT OF \$247,823.00.**

Chairman Lowery recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

APPROVED

24. **RESOLUTION AWARDING 12-MONTH CONTRACT FOR BULK OIL TO QUALITY PETROLEUM, INC. IN THE AMOUNT OF \$91,800.00 (APPROXIMATELY).**

Chairman Lowery recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

APPROVED

25. **RESOLUTION APPROVING AN AGREEMENT BETWEEN MLGW AND THE U. S. GREEN BUILDING COUNCIL (USGBC) MEMPHIS CHAPTER IN THE AMOUNT OF \$75,000.00 TO FUND A LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GRANT. (THE MLGW BOARD APPROVED THIS RESOLUTION SUBJECT TO THE ADDITION OF A FOOTNOTE REGARDING THEIR CONCERNS AS TO THE DIVERSITY OF THE USGBC STEERING COMMITTEE. THIS SEVEN MEMBER COMMITTEE IS CURRENTLY MADE UP OF FOUR WHITE MALES AND THREE WHITE FEMALES.)**

APPROVED

26. **RESOLUTION GIVING CONTRACT AUTHORITY TO MLGW'S GENERAL COUNSEL TO PAY A CLAIMS SETTLEMENT.**

Chairman Lowery recognized the following person who spoke from the audience:

Charles Farmer, 4611 Buffer Drive, Memphis, TN. 38128

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Ware

SECOND: Strickland

AYES: Boyd, Collins, Conrad, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Lowery

Brown, Flinn and Hedgepeth did not cast a vote

APPROVED

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$678,000.00 FROM THE TENNESSEE FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM (FIDP) FOR THE RIVIANA FOODS, INC. FIDP GRANT TO BE USED TO DESIGN AND CONSTRUCT 3,280 TRACK FEET OF RAIL FOR LOADING AND SHIPPING FOR THE COMPANY'S PLANNED EXPANSION OF ITS MANUFACTURING AND DISTRIBUTION FACILITY IN THE MEMPHIS RENEWAL COMMUNITY AT 615 BODLEY AVENUE EAST. RESOLUTION ALSO AMENDS FY 2009 CIP BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$678,000.00 AND MATCHING FUNDS IN THE AMOUNT OF \$1,322,000.00 FOR A TOTAL OF \$2,000,000.00.**

MOTION: Collins
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Morrison,
Strickland, Ware and Chairman Lowery
Flinn and Hedgepeth did not cast a vote

APPROVED

28. **RESOLUTION AMENDING THE FISCAL YEAR 2009 SPECIAL REVENUE FUND BUDGET BY ACCEPTING AND APPROPRIATING \$40,000.00 IN FEDERAL GRANT FUNDS IN THE DIVISION OF ENGINEERING FOR TRANSPORTATION PLANNING ACTIVITIES.**

MOTION: Morrison
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Ware
and Chairman Lowery
Hedgepeth and Strickland did not cast a vote

APPROVED

29. **RESOLUTION APPROPRIATING \$500,000.00 FUNDED BY G.O. BONDS GENERAL, CHARGEABLE TO THE FY 2009 CAPITAL IMPROVEMENT BUDGET FOR THE PURCHASE OF HANDHELD DEVICES FOR COMMUNITY ENHANCEMENT, TO PROVIDE THE ABILITY TO CAPTURE DATA IN THE FIELD AND TO TRANSMIT BACK TO THE CENTRAL OFFICE. PROJECT NUMBER IS01058.**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Collins
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Conrad did not cast a vote

APPROVED

30. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWENTY EIGHT THOUSAND FOUR HUNDRED TWENTY FOUR DOLLARS (\$28,424.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE RAPID RESPONSE FUND.**

Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

MOTION: Collins
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Lowery
Conrad and Strickland did not cast a vote

APPROVED

31. **RESOLUTION APPROPRIATING \$655,667.00 IN G.O. BONDS FOR THE FISCAL YEAR 2009 CIP BUDGET TO PURCHASE ONE (1) AERIAL TRUCK FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$655,667.00.**

MOTION: Hedgepeth
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Lowery
Strickland did not cast a vote

APPROVED

32. **RESOLUTION APPROPRIATING \$500,000.00 IN OTHER COST, FUNDED BY G.O. BONDS GENERAL IN GS01001, CITY HALL IMPROVEMENTS FOR THE SECURITY UPGRADE TO CITY HALL IN ORDER TO PROVIDE A HEALTHY AND SAFE ENVIRONMENT FOR EMPLOYEES AND CITIZENS.**

MOTION: Morrison
SECOND: Brown
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

33. **RESOLUTION APPROPRIATING \$200,000.00 IN CONTRACT CONSTRUCTION, FUNDED BY G.O. BONDS GENERAL IN GS01001, CITY HALL IMPROVEMENTS FOR RENOVATIONS AND EQUIPMENT UPGRADES TO CITY HALL IN ORDER TO**

PROVIDE A HEALTHY AND SAFE ENVIRONMENT FOR EMPLOYEES AND CITIZENS.

MOTION: Morrison
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth
Morrison, Strickland, Ware and Chairman Lowery

APPROVED

34. **RESOLUTION TRANSFERRING A PREVIOUS ALLOCATION AND APPROPRIATION OF \$310,000.00 FUNDED BY G.O. BONDS WITH CD01013, HCD-FIRESTONE PROJECT, FROM LAND ACQUISITION TO GS01024, GENERAL SERVICES – VEHICLE SHOP PROJECT, FOR ACQUISITION RELATED EXPENSES.**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Ford
SECOND: Flinn
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth
Morrison, Strickland, Ware and Chairman Lowery

APPROVED

35. **RESOLUTION APPROVING TRANSFER OF FUNDS IN THE AMOUNT OF \$28,540,672.71 FROM THE MLGW COMMON FUND TO THE MLGW OTHER POST EMPLOYMENT BENEFITS TRUST (OPEB).**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Morrison, Ware
and Chairman Lowery
Collins, Ford and Strickland did not cast a vote

APPROVED

36. **RESOLUTION APPROVING ACTUARIAL FUNDING TO THE MLGW RETIREMENT AND PENSION FUND FOR THE 2008 PLAN YEAR.**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Ford and Halbert did not cast a vote

APPROVED

37. **RESOLUTION APPROVING AMENDMENT TO THE MLGW RETIREMENT AND PENSION SYSTEM, AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2001 (THE “PLAN”), INCREASING THE MINIMUM BENEFIT MULTIPLIER.**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Fullilove, Hedgepeth, Morrison, Strickland,
Ware and Chairman Lowery
Conrad, Ford and Halbert did not cast a vote

APPROVED

38. **RESOLUTION APPROVING THE 2009 ELECTRIC, GAS AND WATER OPERATIONS AND CAPITAL BUDGETS.**

Chairman Lowery recognized the following person who spoke from the audience:
Charles Farmer, 4611 Buffer Dr., Memphis, TN. 38128

MOTION: Ware
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland,
Ware and Chairman Lowery
Conrad and Halbert did not cast a vote

APPROVED

39. **RESOLUTION AMENDING THE FY 2009 O&M BUDGET TO APPROPRIATE UP TO \$2.5 MILLION FROM THE CITY’S SURPLUS TO PROVIDE UTILITY ASSISTANCE TO CUSTOMERS OF MEMPHIS LIGHT, GAS AND WATER WHO MEET THE CRITERIA SET FORTH ABOVE AND WHO ARE APPROVED BY THE COUNCIL TO RECEIVE UTILITY ASSISTANCE PROGRAM FUNDS.**

MOTION: Ware
SECOND: Brown

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED, as amended

40. **RESOLUTION APPROVING COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR CITY PARK REHAB AND MAINTENANCE, CIP PROJECT NUMBER PK07092, AT AN ESTIMATED CONSTRUCTION COST OF \$408,000.00 FUNDED BY G.O. BONDS GENERAL.**

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery

APPROVED

41. **RESOLUTION SEEKS APPROVAL TO OBTAIN COMPETITIVE BIDS AND SPEND THE REMAINING \$10,636.00 IN APPROPRIATED CONSTRUCTION FUNDS TO REPLACE THE CARPET AND PERFORM OTHER MAINTENANCE WORK TO THE CLUBHOUSE AT THE LINKS OF AUDUBON.**

Council did include CIP Project number PK06003, Audubon Golf Storage Barn as part of the FY 2007 Capital Improvement Program.

MOTION: Strickland

SECOND: Morrison

AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman Lowery
Flinn did not cast a vote

APPROVED

42. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$692,000.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF MILITARY – TENNESSEE EMERGENCY MANAGEMENT AGENCY FY 2007 BUFFER ZONE PROTECTION PROGRAM (BZZP) GRANT PROGRAM TO SUPPORT THE IMPLEMENTATION OF BUFFER ZONE PLANS (BZPS) OUTSIDE THE PERIMETER OF IDENTIFIED CRITICAL INFRASTRUCTURE/KEY RESOURCE SITES. THESE PLANS ARE INTENDED TO DEVELOP EFFECTIVE PREVENTIVE AND PROTECTIVE MEASURES THAT MAKE IT MORE DIFFICULT FOR TERRORISTS TO CONDUCT SURVEILLANCE OR LAUNCH ATTACKS WITHIN THE IMMEDIATE VICINITY OF HIGH PRIORITY CRITICAL INFRASTRUCTURE TARGETS. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Hedgepeth

SECOND: Fullilove
AYES: Brown, Collins, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Strickland,
Ware and Chairman Lowery
Boyd, Flinn and Morrison did not cast a vote

APPROVED

43. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE SHELBY COUNTY DISTRICT ATTORNEY GENERAL'S OFFICE FOR FY 2008 PROJECT SAFE NEIGHBORHOODS (PSN) INITIATIVE IN THE AMOUNT OF \$72,418.00. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Hedgepeth
SECOND: Fullilove
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Collins recused

APPROVED

44. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$20,000.00. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Hedgepeth
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Morrison, Strickland, Ware and Chairman Lowery

APPROVED

45. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$109,074.03. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Hedgepeth
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison,
Strickland, Ware and Chairman Lowery
Halbert did not cast a vote

APPROVED

48. **RESOLUTION TO ALLOW POLICE OFFICERS TO RESIDE WITHIN 20 MILES OF THE SHELBY COUNTY LINE.**

Chairman Lowery recognized the following people who spoke from the audience:

A.C. Wharton, 1183 E. Parkway South, Memphis, TN. 38114
David Laywood, 575 Country Club Lane, Memphis, TN. 38111
Richard Bagwell, 1085 W. Montebello Cir., Memphis, TN. 38018
Michah Branch, 403 N. Cleveland, Memphis, TN. 38104
Ms. Erin Melton, 2266 Tunis Cove, Memphis, TN. 38104
Rodgers Menzies, 4154 Grandview, Memphis, TN. 38117
Vickie Gore, 440 Woodmere, Memphis, TN. 38117
Leslie Taylor, 30 Eastland Dr., Memphis, TN. 38111
Heidi Shafer, 3776 Montclair, Memphis, TN. 38111
Brian Waldron, 4676 Lorece Ave., Memphis, TN. 38117
Carl Shafer, 3776 Montclair, Memphis, TN. 38111
Timothy H. Daley, 3816 S. Montclair, Memphis, TN. 38111
Lisa Brumleve, 3679 Waynoka, Memphis, TN. 38111
Kent Wumberlich, 4217 Gwynne, Memphis, TN. 38117
Doug Ferris, 40 S. Rose Rd., Memphis, TN. 38117
Augusta Campbell, 3763 Northwood, Memphis, TN. 38111
Lee Davidson, 3722 Northwood Dr., Memphis, TN. 38111
Dorritte Early, 575 Club Tower Cove, Memphis, TN. 38111
Hank Hill, 208 E. Cherry Cl., Memphis, TN. 38117
Jamie Simmons, 4164 Tuckahoe, Memphis, TN. 38117
Joe Evangelisti, 5178 S. Angela Rd., Memphis, TN. 38117
Heather Fox, 208 Alexander Street, Memphis, TN. 38111
David Dunlap, 85 Grove Park Circle, Memphis, TN. 38117
Robert Sloan, 4928 Amboy Rd., Memphis, TN. 38117
Nancy Tashie, 120 Cherry Rd., Memphis, TN. 38117
Terry Dalhman, 531 Eastbourne Place, Memphis, TN. 38117
Carole West, 7 Monroe Avenue, #501, Memphis, TN. 38103
Bert Wolf, Shady Grove Terrace, Memphis, TN. 38117
Susan Britton, 90 N. Perkins, Memphis, TN. 38117
Ann Aldinger, 3860 St. Andrews Green, Memphis, TN. 38111
David Simmons, 4407 Minden Road, Memphis, TN. 38117
Terre Fratesi Greer, 616 Adams, Memphis, TN. 38105
J.D. Sewell, 638 Jefferson, Memphis, TN. 38105
James R. Hayes, 3828 S. Montclair, Memphis, TN. 38111
Ted Morton, 1642 Linden, Memphis, TN. 38104
Warrell Jones, 4350 Sequoia Rd., Memphis, TN. 38117
Morgan Brookfield, 4654 Shady Grove Rd., Memphis, TN. 38117
Richard Harris, 3071 New Allen Rd., Memphis, TN. 38128
Jason Comfort, 1554 Far Dr., Memphis, TN. 38016
William Treible, 4601 Normandy Rd., Memphis, TN. 38117
R. Jane Williams, 4601 Normandy Rd., Memphis, TN. 38117

Karen Scatamacchia, 4882 Shady Grove Rd., Memphis, TN. 38117
Sharon M Lee, 4714 Normandy Ave., Memphis, TN. 38117
Louie Martini, 2171 Wellons Avenue, Memphis, TN. 38127
Leslie Cain, 3720 Woodland, Memphis, TN. 38111
Gayle Martin, 4415 Chickasaw Rd., Memphis, TN. 38117
Chris Hackett, 288 Fountain River Dr., Memphis, TN. 38120
Judy Blythe, 3557 South Galloway, Memphis, TN. 38111
Wm Steffens, Memphis, TN. 38117
Allen Seay, 5305 Mesquite, Memphis, TN. 38120
Larry Bloom, 5199 Windrow Point, Bartlett, TN. 38002
Peter Winterburn, 4951 Verosa Ave., Memphis, TN. 38117
Deborah Crocker, 8330 Trondheim Ct., Cordova, TN. 38018
Ben Ferguson, 82 Island Place
Bill Minkus, 7355 Deep Valley, 38138
Blair Taylor, 1509 Carr Avenue, Memphis, TN. 38104
Tera Simmons, 208 fleur DeLis Cove, Memphis, TN. 38117
Andrew Forsdick, 4411 Normandy, Memphis, TN. 38117
George Flinn, 6019 Wood Trail, Memphis, TN., 38120
Cynthia Tally, 5451 Walnut Grove, Memphis, TN. 38120
Patrick Loeb, 720 Shotwell, Memphis, TN. 38111
Paul Comfort, 54 N. Arcadian Circle, Memphis, TN. 38103
Richard W. Smith, 130 Waring Rd., Memphis, TN. 38117
Riley Hedgepeth, 332 Wilkinson Pl., Memphis TN. 38111
Anna Ivey, 271 Aurora Circle, Memphis, TN. 38111
Pat Kerr Tigrett, 200 Wagner Place, Memphis, TN. 38103
Tom Volinchak, 1246 Island Place East, Memphis, TN. 38103
Catherine Congemi-Davis, 5570 Fountain Creek Dr., Memphis, TN. 38120
Linda Miller, 600 Jefferson Ave., Memphis, TN. 38103
Susan Tobey, 4882 Gwyne, Memphis, TN. 38117
Victoria Cruickshank, 112 Jackson Avenue, Memphis, TN. 38103
Michael Cruickshank, 112 Jackson Avenue, Memphis, TN. 38103
Don Calcote, 1871 Lindale Ave., Memphis, TN. 38107
Peggy Williamson, 1399 Carr, Memphis, TN. 38104
Wendol Lee, 4134 Sunrise, Memphis, TN. 38738
Constance Houston, 697 Dunlap Street N., Memphis, TN. 38107
Min. Suhkoara Yahweh, 775 Porter St., Memphis, TN. 38126
Jonathan Richmond, 4283 Peach Valley Dr., 38141
Roosevelt Boyd, 1409 Carol Dr., Memphis, TN. 38116
Rev. Stanford L. Hunt, 501 Boston St., Memphis, TN. 38111
Tommy Moore, 4524 Sun Crest, Memphis, TN. 38127
Claudette Boyd, 713 Birthstone Ave., Memphis, TN. 38109
Gae Hamer, 1015 S. Cox, Memphis, TN. 38104
O. Hardaway, 3979 Lake Forest, Memphis, TN. 38128
Charles Cox, 9315 Threave Pl., Memphis, TN. 38125
Rev. Jennings Bernard, 3388 Emerald St., Memphis, TN. 38115
Samuel Williams, 4855 Swinnea Rd., 38671

DeKe Pope, 4992 Autumnwood Dr., Memphis, TN. 38116

Chairman Lowery read the speaker card for the following person:

Jaime Wilson, 4892 Shady Grove Rd., Memphis, TN. 38117

MOTION: Hedgepeth
SECOND: Morrison
AYES: Boyd, Conrad, Flinn, Hedgepeth, Morrison and Strickland
NAYS: Brown, Collins, Ford, Fullilove, Halbert, Ware and Chairman Lowery

FAILED

(The Meeting recessed from 9:35 p.m. until 9:47 p.m.)

46. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$158,847.19. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Brown
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland, Ware and Chairman Lowery
Hedgepeth and Morrison did not cast a vote

APPROVED

47. **RESOLUTION ACCEPTING GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY OFFICE (GHSO) OF THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$777,698.24. RESOLUTION ALSO AMENDS FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS FOR FY 2009.**

MOTION: Brown
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

49. **RESOLUTION APPROPRIATING \$2,592,516.00 FUNDED BY G.O. BONDS GENERAL FOR RESURFACE OF STREETS 2009 – GROUP 2, PROJECT NUMBER PW011191 FOR A CONSTRUCTION CONTRACT WITH LEHMAN ROBERTS CO.**

MOTION: Morrison
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman Lowery
Hedgepeth did not cast a vote

APPROVED

50. **RESOLUTION AMENDING THE FISCAL YEAR 2009 O&M BUDGET TO APPROPRIATE A ONE-TIME, GRATUITOUS, NON-RECURRING APPROPRIATION OF \$2.4 MILLION FOR MEMPHIS CITY SCHOOLS TO ASSIST WITH THE FUNDING NEEDS OF MEMPHIS LITERACY CORP AND THE SUMMER READING CLINIC. (HELD FROM 11/4)**

Held until December 2, 2008

51. **SELECTION OF THE 2009 MEMPHIS CITY COUNCIL CHAIRMAN.**

(Myron Lowery's name was nominated and he was accepted by acclamation without objection)

52. **SELECTION OF THE 2009 MEMPHIS CITY COUNCIL VICE CHAIRMAN.**

(Harold Collins' name was nominated and he was accepted by acclamation without objection)

MINUTES

Approval of the Minutes of the regular meeting of November 4, 2008 with the following motion:

MOTION: Morrison
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Morrison, Strickland, Ware and Chairman Lowery
Conrad, Halbert and Hedgepeth did not cast a vote

APPROVED

(Special Item #1 –Approval of the Minutes of Item #39 from tonight's meeting)

MOTION: Ware
SECOND: Ford
AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Morrison, Strickland, Ware and Chairman Lowery
Flinn, Halbert and Hedgepeth did not cast a vote

APPROVED

(Special Item #2 – First Reading Ordinance establishing Meeting Dates for City Council Meetings in 2009)

MOTION: Morrison
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison, Strickland, Ware
and Chairman Lowery
Halbert and Hedgepeth did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following people who spoke from the audience:

Darrell Wright, 2250 Eldridge, Memphis, TN. 38108
Gloria McGhee, 2569 Union Avenue, Memphis, TN. 38112
Walter Broady III, 4256 Ledbetter, Mphs, TN 38109

ADJOURNED MEETING AT 10:20 P.M.

.....

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records